

Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	L. Stolz	04/29/19	
Peer reviewed or read			
PM reviewed	A. Dutton	4/29/19	WP has been reviewed and is complete. AJD 4/29/19
PLD reviewed			
Additional Edits			

**Title:** Communications on whether an agreement between OMB and EPA existed

**Purpose:**

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, *“Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.”* This WP applies to Assignment Guide step C.2 and documents an email Patrick Gilbride, Director, sent to EPA career staff asking whether there was an agreement between the EPA and the Office of Management and Budget (OMB) to not do analysis for the glider repeal as well as staffs’ responses.

**Sources:**

1. Linked PDF documents the email Gilbride sent on April 4, 2019 to (b) (6)  

In his email, Gilbride asked questions regarding whether there was an agreement between EPA and OMB that no analysis under Executive Order (EO) 12866 would be required for this rulemaking. This PDF also documents (b) (6) April 5, 2019 response [Link: C.2.13 - Email response from \(b\) \(6\) 040519.pdf](#).
2. Linked PDF documents (b) (6) April 5, 2019 response to Gilbride’s questions [Link: C.2.13 - Email response from \(b\) \(6\) 040519.pdf](#).
3. Linked PDF documents (b) (6) April 5, 2019 response to Gilbride’s questions [Link: C.2.13 - Email response from \(b\) \(6\) 040519.pdf](#).
4. Linked PDF documents (b) (6) April 8, 2019 response to Gilbride’s questions [Link: C.2.13 - Email response from \(b\) \(6\) 040819.pdf](#).

## Scope:

After conducting interviews and reviewing other information throughout this assignment, Gilbride sent the email documented in Source 1 on behalf of the team to ask senior career staff in OAR if they were aware of an agreement between EPA and OMB that no analysis under EO 12866 would be required for this rulemaking. This workpaper documents the responses from the four career staff the questions were sent to as well as our review of the responses.

## Conclusion:[Link:](#)

[Link:](#)

[Link:](#) Based on the responses from the four career staff emailed, none of them had direct knowledge of an agreement between EPA and OMB. (b) (5)

## Details:

According to (b) (6) response documented in Source 1, she was not a part of any discussions or agreements with OMB at any point as far as she can remember throughout the development of the glider proposal. (b) (5)

According to (b) (6) response documented in Source 2, he was not a part of any discussions or agreements with OMB regarding any analysis of the Glider proposal. (b) (5)

In (b) (6) response documented in Source 3, he copied and pasted a portion of an email that (b) (6) already provided in her response documented in Source 1. (b) (6) did not provide any additional information responsive to Gilbride's questions.

In (b) (6) response documented in Source 4, he replied to the string of emails containing (b) (6) response documented in Source 1, and said that OIG has all the email chains he would appear on on this topic. (b) (6) did not provide any additional information responsive to Gilbride's questions.

Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	T.Goldman	12/15/18	
Peer reviewed or read			
PM reviewed	A. Dutton	12/17/18	WP has been reviewed and is complete. AJD 12/17/18
PLD reviewed			
Additional Edits			

**Title:** (b) (6) 12-11-18

**Purpose:**

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, *“Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.”* This WP applies to Assignment Guide step C.2.1

- 1) **Sources:** This meeting was held via teleconference on December 11, 2018 at 4:00pm EST and lasted approximately 55 minutes. The following people attended this meeting:

**OIG**

Pat Gilbride, Director, 303-312-6969  
Alli Dutton, Project Manager, 215-814-2349  
Todd Goldman, Auditor, 303-312-6189  
Luke Stolz, Auditor, 303-312-6165

**OAR/OTAQ/OI**

(b) (6)

The Microsoft Outlook invitation for this meeting can be seen in the linked PDF [Link: C.2.1 - Meeting Invite C.2.1 \(b\) \(6\) 12.11.18.pdf](#)

- 2) Prior to this meeting the OIG team developed a general list of questions contained in the linked Word document [Link: C.2.1 - Draft General Questions for \(b\) \(6\) Interviews v2\\_clean.docx](#) We did not provided this list of questions to (b) (6) prior to the meeting.

**Scope:** We conducted this interview to ask questions about the development of the proposed rule, how it is submitted to the docket and how OMB provides a review of the proposal and influences changes in the final draft of the proposed rule. Notes from this discussion are captured in the Details section below. Please note that this is not direct transcript of what was said at this meeting but rather tries to capture the main points of conversation.

**Conclusion:**

1. The Action Development Process (ADP) requires specific templates bases on the level of significance for the rule. (Detail 8 & 10 & 26)
2. (b) (6) main role in the rulemaking process for the Glider Repeal was to transmit / send e-mails the rule. (between EPA Offices and OMB) (Detail 1 & 10)
3. (b) (6) would also review for inclusion of required EOs. (Detail 1)
4. (b) (6) believes (b) (5)
5. The original draft of the propose rulemaking was originated in OAR's Immediate Office. (Detail 53 & 54)

Auditor Note: (b) (5)

**Details:**

There were initial introductions and then Pat asked about (b) (5), (b) (6)

The meeting then had Alli gave an introduction to our project. Luke then took over and started with general questions.

LS: Most of our questions will be based on the Fall of 2017. What is your position title and role?

1. (b) (6) In 2017, (b) (6). As of February 2018, she became the (b) (6). Her role is generally to transmit things. It is similar to what (b) (6) does. The split the portfolio of what OTAQ covers. They handle all the transmittals that go back and forth to OMB. They review the rule making which all come through the Immediate Office. Rulemaking goes through Office of Policy for signatures. Any rulemaking from a substantive standpoint is reviewed for all the required EOs.
2. (b) (6) She said she did not work on the rule from a substantive level, we may see some edits by her done on a formatting level.
3. LS: We reviewed EPA's Action Development Process. It indicates that there is a steering committee. Are you part of that steering committee?
4. (b) (6) Yes, we participate on behalf of our Office and participate in monthly calls for OTAQ.
5. LS: Asked if she remembered who is the OAR rep for the steering committee.



6. (b) (6) did not remember but could look back to see.
7. LS: What aspects of the proposed rulemaking, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits" were you involved in?
8. (b) (6) Her main role was as the transmitter of files. I moved the package for signatures. I transmitted the files to the Office of Policy for final review and signature. (b) (6) suggest we look at the ADP library. These are templates that we have to use. These are bases on if the rule is significant or not.
9. LS: We are interested in the designation of this proposed rulemaking as being a "significant regulatory action" or "economically significant regulatory action". Were you involved in the decision-making process to determine the designation?
10. (b) (6) (b) (5)
11. LS: So, your involvement was making sure they used the right ADP template.
12. LS: So as these e-mails went back and forth, who was involved in deciding if the rule was significant or economically significant?
13. (b) (6) (b) (5)
14. LS: Was this a decision made at EPA Political level? EPA staff level or did OMB have a say in this decision?
15. (b) (6) OMB had had a say. I would have to go back through my e-mails to remember how the decision came. From my experience (b) (5).
16. (b) (6) The minute the rule is published the docket goes live and all the interaction is put in the docket.
17. PG: It appears that there was a last-minute change in this rulemaking. We are trying to determine if this is something OMB told EPA to change.
18. (b) (6) For any rule making, that is significant OMB requires us to back it up and provide evidence whether it is significant or not (b) (5)
19. PG: Was it OMB that said to change this designation?
20. (b) (6) I think (b) (5)
21. PG: Do you recall when the meeting between Fitzgerald and Mulvaney occurred.

22. (b) (6) We found out about it from news articles and wondered if it effected the rule. It had to be late October, early November.
23. LS: Do you know if the decision was an EPA political level or an OMB political level?
24. (b) (6) (b) (5)
25. AD: At the time the rule was labeled economically significant, do you think it complied with EO 12866 and EO 13045?
26. (b) (6) (b) (5)
27. AD: Do you know if they were preparing supporting information to compile with EO 12866 and EO 13045?
28. (b) (6) (b) (5) if it was economically significant, OMB would have to review for those things. There would need to be analysis.
29. AD: What are the requirements for Other Significant? Cost analysis?
30. (b) (6) Not necessarily.
31. AD: Who was on the Rule making Team?
32. (b) (6) I'll have to check with (b) (6)
33. LS: Was there any waiver granted for this rule?
34. (b) (6) Not significant OMB could waive their review. This did not happen, they were involved in the review.
35. LS: How did this proposed rulemaking compare to prior experience?
36. (b) (5), (b) (6)
37. LS: Did they follow the ADP Action Development Process?
38. (b) (6) (b) (5)
39. LS: Do you know the current status of the proposed rulemaking? If so, what is it?
40. (b) (6) (b) (5)
41. AD: It is currently listed as economically significant.
42. (b) (6) (b) (5)
43. AD: We are trying to figure out how this occurs. Was that the plan all the time or can it simply be changed?
44. (b) (6) (b) (5)
45. AD: The downside is information would not be available for public comment.

46. (b) (6) Not necessarily. A notice would be sent out that new information was added or if it was at the end of the comment period there could be an extension.
47. AD: So now that the rule has been switched, would EPA reopen it for public comment once the requirements of the EO's have been fulfilled?
48. (b) (6) (b) (5)
49. (b) (6) (b) (5)
50. (b) (6) (b) (5)
51. PG: Who did you work with at OMB?
52. (b) (6) (b) (6)
53. PG: Do you know who wrote the initial draft of the proposed rulemaking?
54. (b) (6) It would have started in OAR's Immediate Office.
55. AD: Who is your main point of contact with the rulemaking team?
56. (b) (6) (b) (6) and (b) (6) (b) (6) Maybe (b) (6) but (b) (6) may have left the Agency at that time. Maybe also OGC. Someone in OGC would have had to sign off on it.
57. LS: Are there other people you suggest we talk to during our review? EPA or OMB?
58. (b) (6) I would have to check with (b) (6) (b) (6) name may be on things, but she is on maternity leave now.
59. Follow up items:
60. (b) (6) will look for OAR's steering committee member
61. Information on how the designation of "Significance" is made
62. Check to see how this was tiered.
63. (b) (6) (b) (5)

The meeting then adjourned

## Response to Congressional Request on Glider Repeal Actions

[illegible]

**Title:** 12/17/18 Interview with (b) (6)

### Purpose:

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, *“Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.”*” This WP applies to Assignment Guide step C.2 and documents an interview with (b) (b) (6)

### Sources:

1. See the Kickoff Meeting invitation here [Link: C.2.2 - \(b\) \(6\) Meeting Invitation.pdf](#).  
The following people attended this meeting:

**OIG**

- Pat Gilbride, Director, 303-312-6969
- Alli Dutton, Project Manager, 215-814-2349
- Todd Goldman, Auditor, 303-312-6189
- Luke Stolz, Auditor, 303-312-6165



## OAR

- (b) (6) Office of Transportation and Air Quality, Assessment and Standards Division, (b) (6) (b) (6)
- 2. During the Kickoff Meeting (see workpaper A.4 [Link: A.4 - PSSC.docx](#)) (b) (6) asked for additional information on what we would discuss in this meeting. The linked PDF documents an email Goldman sent to (b) (6) on December 12, 2018 providing additional context for this interview. This PDF also documents (b) (6) response [Link: C.2.2 - Area of Focus Email.pdf](#).
- 3. Linked PDF documents a chain of emails in which (b) (6) forwarded an email from (b) (6) he mentioned during this interview that is discussed in the Details section below. This chain of emails also includes an email Dutton sent to (b) (6) with follow up questions [Link: C.2.2 - \(b\) \(6\) Email Chain.pdf](#).
- 4. Linked PDF documents a chain of emails that Gilbride found while searching through emails provided by the Office of Environmental Information for another OIG assignment. The emails are from September 2017 and are discussed in more detail in the Details section below [Link: C.2.2 - RE\\_ Glider Re-consideration - from \(b\) \(6\) \(002\).pdf](#).
- 5. Linked PDF documents a chain of emails in which (b) (6) responds on February 14, 2019 to the follow up questions Dutton sent in Source 3 above. This response is discussed in more detail in the Details section below [Link: C.2.2 - 021419 email from \(b\) \(6\) pdf](#).
  - a. Linked Word document was included as an attachment in the email (b) (6) sent in Source 5. This file contains a timeline discussing options EPA management had regarding how to proceed with the Glider rule. This Word file is discussed in more detail in the Details section below [Link: C.2.2 - Timeline - Option 1 to NPRM approach.docx](#).
- 6. Linked PDF documents a chain of emails in which Dutton asked (b) (6) on February 14, 2019, when the EPA submitted the draft Final Rule to OMB for interagency review. This chain documents (b) (6) same day response and included two attachments documented below [Link: C.2.2 - \(b\) \(6\) Email on Final Rule.pdf](#).
  - a. Linked PDF documents the first attachment included Source 6 which is a chain of emails dated April 23, 2018. This chain of emails is discussed in more detail in the Details section below [Link: C.2.2 - April 23 2018 email regarding draft Glider FRM submission to OMB.pdf](#).
  - b. Linked PDF documents the second attachment included Source 6 which is an email dated April 23, 2018. This email is discussed in more detail in the Details section below [Link: C.2.2 - April 23 2018 email regarding draft Glider FRM submission to OMB email 2.pdf](#).

## Scope:

This meeting was held on December 17, 2018 at 4:30 pm EST via teleconference and lasted approximately 40 minutes. During this meeting we asked questions related to our objective. Meeting notes are documented in the Details section below. Please note that these notes are not a direct transcript but rather try to capture the main points of conversation.



## Conclusion:

According to information presented during this meeting:

1. [Link:](#) (b) (5)  
[REDACTED] [C1](#).
2. OAR staff briefed political leadership in August 2017 on gliders with some options on how to respond to a petition received. (b) (5)  
[REDACTED] [C2](#).
3. Another briefing on gliders and trailers was held on September 22, 2017. The briefing was held to get guidance on how to do the rulemaking. This briefing contained timelines on how long it would take for the options presented. The acting AA for OAR (b) (6) [REDACTED] heard from Ryan Jackson, the Administrator's Chief of Staff, and sent a note (b) (5) [REDACTED] wanted options to move faster. (b) (5), (b) (6) [REDACTED] options including an option to propose to rescind the glider rule with no assessment which was the option eventually selected [C3](#) [C6](#).
4. Source 4 documents an email from Ryan Jackson to Sarah Dunham dated September 22, 2017 in which he asked to talk about gliders. (b) (5)  
[REDACTED]  
[REDACTED] The email included a more detailed description of the first approach which appears to be the approach eventually taken. According to an email chain (b) (6) [REDACTED] provided OIG, options on how to proceed with rulemaking, including a recommended approach, were provided to Ryan Jackson by the acting AA in an email on September 25, 2017. (b) (5)  
[REDACTED]  
[REDACTED] received additional direction from (b) (6) [REDACTED] that came from the Administrator, directing OAR/OTAQ to also develop a glider repeal rule as a high priority (b) (5)  
[REDACTED]  
[REDACTED] According to the timeline in Source 5a, the draft of the Glider

rescission NPRM was uploaded for formal OMB interagency review on October 20, 2017. [C9](#)

5. [Link:](#) (b) (6) sent a draft of the proposal to OAR staff sometime in October 2017. (b) (6) drafted the arguments for the repeal that eventually turned into the proposal that was signed by the Administrator and published [C4](#).
6. The change that was made for economic significance was for OMB clearance for signature [C5](#).
7. (b) (5)

[C10](#)

#### Details:

Goldman asked (b) (6) to walk us through the repeal of the glider rule, how it came to him, what he did on it.

(b) (6) is the rulemaking division so they have programmatic responsibility. In July 2017 they received a petition for reconsideration of the glider rule which is allowed under the Clean Air Act. (b) (5)

(b) (6)

(b) (5)

. At that time Administrator Pruitt had assigned Mandy Gunasekera to be his point person in the Air Office, and now she is in the Air Office. (b) (6) said they did a briefing in August 2017 on gliders to political leadership. That was their first opportunity and it was on August 10<sup>th</sup> or 11<sup>th</sup> with some options on how to respond to the petition. (b) (5)

He said that on the same day they responded to the petition on gliders they also responded to a petition on trailers. He said he worked with his team on analysis necessary for both gliders and trailers. They did another briefing on September 22, 2017 on gliders and trailers. After getting direction from the Administration to initiate rulemaking they went back to get guidance on how to do rulemakings. (b) (5)

The September briefing contained timelines on how long it would take. (b) (6) said that within 1 or 2 days after that briefing, (b) (6) heard from Ryan

Jackson, the Administrator's Chief of Staff, (b) (5)

(b) (6) said he came up with a couple of ideas with his staff. One option was to propose to rescind the glider rule with no assessment. This would assume OMB would have to waive all analytical requirements. Eventually that was the approach they selected. That was in September 2017. (b) (5)

(b) (6) (b) (6)

Goldman asked if it was labeled Economically Significant.

(b) (5) He said that first you submit a draft for OMB review that is in the docket, then there is the interagency review process, then the change that got made for Economic Significance was for OMB clearance for signature.

Goldman asked if OMB has waived its review in the past on other rules.

(b) (6) said that in September, after they briefed leadership on September 22<sup>nd</sup>, the feedback from Ryan Jackson was that the processes would take too long. They didn't say that OMB would waive review but that they would have to waive requirements saying the agency had to comply with the EOs. (b) (5)

Goldman asked if OMB has waived meeting EO requirements before.

(b) (5)

Gilbride asked if the rule is listed as economically significant if it has to comply with EO 12866.

(b) (6) said that even rules that aren't economically significant have to go through interagency review. Unless OMB waives review.

Gilbride asked about the last day change to invert the economic significance designation.

(b) (5)

(b) (5)

Goldman asked about OMB waiving requirements of EO 12866 and removing the word economically.

(b) (5)

Gilbride asked if the direction for not doing technical analysis came from Ryan Jackson.

(b) (5)

(b) (5)

Goldman asked about the current state of the proposed rulemaking.

(b) (6) said that after the proposal came out in November 2017 there was a public comment period and hearing ended in early January. His team then spent a couple weeks reviewing comments. They came up with option briefings and by that time Bill Wehrum was the AA for Air so they briefed him on comments and options. (b) (5)

(b) (5)

(b) (5)

Gilbride asked that since the repeal of the no action assurance if (b) (6) knew if anyone is looking at manufacturers for compliance.

(b) (6) the rulemaking division and they have a sister division called the Compliance Division, and that the Office of Enforcement and Compliance Assurance (OECA) has a mobile source group. (b) (5)

Dutton asked if OMB required an RIA for the final rule.

(b) (6) said (b) (5).

(b) (5)

Dutton asked if there has been any movement on the trailer work.

(b) (5)

Dutton asked if (b) (6) foresaw a similar expedited timeframe as with gliders.

(b) (5)



(b) (5)

Goldman asked if (b) (6) could send us that email.

(b) (6) said yes. (AUDITOR NOTE: Source 3 above documents the email chain that (b) (6) forwarded to OIG after this meeting. The first email in this chain is an email that (b) (6) sent to Ryan Jackson and Mandy Gunasekera on September 25, 2017 in which she discusses options with how to proceed with rulemaking for gliders and trailers. The email says

(b) (5)

The email then discusses (b) (5)

The next email in the chain is one sent on September 26, 2017 from (b) (6) to (b) (6). In this email (b) (6) writes (b) (5)

In the second email (b) (6) writes that she thinks (b) (5)

Also included in this chain is a follow up email sent by Dutton on December 18, 2018 in which she asks (b) (6) clarifying questions on the options presented and the option selected. Source 5 documents (b) (6) response. In this response, (b) (6) says (b) (5)

received additional direction from Mandy that came from the Administrator, directing OAR/OTAQ to also develop a glider repeal rule as a high priority. (b) (5)

According to the timeline in Source 5a, the draft of the Glider rescission NPRM was uploaded for formal OMB interagency review on October 20, 2017. Source 4 above documents another set of emails the OIG came across that discusses options for the glider proposal. In an email sent to (b) (6) (b) (6) by Ryan Jackson on September 22, 2017, Ryan Jackson asked to talk about gliders saying (b) (5)

. In an email dated

September 25, 2017, (b) (6) sent (b) (6) and others (b) (5)

The email included 3 approaches with the first approach appearing to be what was actually done. The email also includes a more detailed description on Approach 1. )

Goldman asked if (b) (6) had any questions for OIG.

(b) (6) said (b) (5)

Goldman said that the agency gets to review any report before it comes out.

(b) (6) also said (b) (5)

>>>END OF MEETING NOTES<<<

AUDITOR NOTE: After the meeting, Dutton sent an email documented in Source 6 in which she asked when EPA submitted the draft Final Rule to OMB for interagency review (i.e., the date in the Spring of 2018). Source 6 also documents (b) (6) response in which he responded that this occurred on April 23, 2018. He also attached two emails regarding this topic that we documented as Sources 6a and 6b. Source 6a documents an email (b) (5)

Source 6b documents an email from (b) (6) dated April 23, 2018 in which she says (b) (5)

Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	T.Goldman	02/07/19 02/19/19	(b) (5) [REDACTED] 02/19/19
Peer reviewed or read PM reviewed	A. Dutton	2/11/19	(b) (5) [REDACTED] This WP has been reviewed and is complete. AJD 2/11/19  WP has been reviewed and is complete. AJD 2/22/19
PLD reviewed			
Additional Edits			

**Title:** Interview with (b) (6)

**Purpose:** This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, “*Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.*” This WP applies to Assignment Guide step C.2.1

- 1) **Sources:** This meeting was held via teleconference on February 6, 2019 at 2:30pm EST and lasted approximately 75 minutes. The Microsoft Outlook invitation for this meeting can be seen in the linked PDF. [Link: C.2.3 - \(C\) \(b\) \(6\) Interview 2/6/2019 - Meeting Invite C.2.3 \(b\) \(6\) 2.6.19.pdf](#)

The following people attended this meeting:

**OIG**

Pat Gilbride, Director, 303-312-6969  
Alli Dutton, Project Manager, 215-814-2349  
Todd Goldman, Auditor, 303-312-6189  
Luke Stolz, Auditor, 303-312-6165

**OAR/OC**

(b) (6) (Auditors note: no phone number is listed on EPA Workplace. We worked through (b) (6) for scheduling)

2) (b) (6)

3) Prior to this meeting the OIG team developed a general list of questions contained in the linked Word document. We did not provided this list of questions to (b) (6) prior to the meeting. [Link: C.2.3 - \(C\) \(b\) \(6\) Interview 2/6/2019 - Questions for \(b\) \(6\) 2.6.19.docx](#)

**Scope:** We conducted this interview to ask questions about the development of the proposed rule, how it is submitted to the docket and how OMB provides a review of the proposal and influences changes in the final draft of the proposed rule. Notes from this discussion are captured in the Details section below. Please note that this is not direct transcript of what was said at this meeting but rather tries to capture the main points of conversation.

**Conclusion:**

1. (b) (6)
2. (b) (5)
3. (b) (5)
4. (b) (5)
5. (b) (6) believed (b) (5) (Detail 42)
6. The Action Development Process was not followed for the Glider Repeal Rule. (Detail 34)
7. (b) (6) believed (b) (5)

8. (b) (6) felt that (b) (5)
9. (b) (6) was not able to identify the specific person or people that were responsible for changing the proposed rule from economically significant to significant but thought (b) (5)
10. The OIG team was unable to interview Mandy Gunasekara as she failed to show at the scheduled interview, notifying the OIG team via (b) (6) at the scheduled meeting time. She subsequently resigned the following day and the OIG team was not provided with forwarding contact information.

Comments Added 2/19/19

11. [Link](#): Comments from OC Gilbert Mears:

Quotes from (b) (6) interview:

- The rule development process was:

12. Reviewed Notes from PLD. No additions. All captured in current write-up.

Auditor Opinion:

(b) (5)

#### Details:

There were initial introductions, then Alli introduced our project and an overview of how our OIG process worked. (b) (6) did not have any questions prior to beginning with our questions. Luke then took over and started with general questions.

1. LS: Describe your current position and position held in Summer & Fall 2017. What was your role in the glider repeal NPRM process during this time period? (b) (6) did you have the lead on writing the draft NPRM? Who tasked you with writing the draft NPRM?
2. (b) (6) (b) (6) (b) (5), (b) (6) (b) (6) referred (b) (5) At the time Air matters were being handled by Mandy. She was an adviser that reported directly to Pruitt. (b) (6) (b) (5)
3. (b) (5), (b) (6)



(b) (6)

4. (b) (6) said (b) (5)

. Learning how things worked at EPA.

5. I learned that the original glider rule had been enacted in October 2016. Administrator Pruitt decided that he would reconsider those provisions. A letter went out August 17, 2017. (b) (5)

We ended up with the proposal that was signed in November 2017 and hit November 16, 2017.

6. (b) (5), (b) (6)

7. LS: It looks like (b) (5)

8. (b) (6) (b) (5)

9. (b) (5)

10. LS: So, what did OTAQ do or contribute to it?

11. (b) (6) They were very good with suggestions. They framed it and suggested tone. (b) (5)

12. LS: The record indicates EPA initially intended to treat the glider repeal NPRM as an “economically significant” action under EOs 12866 and 13045. Can you walk us through the timeline of what conversations or directives transpired to cause EPA to issue the NPRM as an “other significant” action rather than an “economically significant” action? (We are

interested in the timeframe from when the NPRM was initially classified as “economically significant” to when it was signed by the Administrator and issued.)

13. (b) (6) said (b) (5)

14. When Bill came on board, we had a meeting with Pruitt, the decision was made to finalize the proposed rule. This was the first part of 2018. Career staff took it and turned it into a final rule and sent it to the Policy Office to interact with OMB and begin the interagency process.

(b) (5)

15. (b) (5)

16. PG: Do you know who was in discussions regarding the RIA whether to do it or not do it?

17. (b) (6) I assume (b) (5)

18. (b) (6) (b) (5)

19. LS: Regarding the EOs 12866 and 13045, has any work on these been done or is there plans to work on these?

20. (b) (6) (b) (5)

21. LS: Did you ever hear anything regarding a waiver from OMB?

22. (b) (6) (b) (5)

23. LS: Is there anyone in the Agency that you think would be able to help with our objective.

24. (b) (6) I worked directly with Mandy and she was in direct contact with the Administrator, so she may know more. I would also think that since it was the Policy Office that was in direct contact with OMB, so they may have more information. (b) (5)

25. PG: What is the status of the proposed rule?

26. (b) (6) (b) (5)

27. (b) (5)

29. GM: Asked (b) (6) if he has become more familiar with EO 12866 or would you say that you have become familiar with it?

30. (b) (6) (b) (5)

31. GM: Also stressed the importance of EO 12866 and when it is economically significant the children's health rules become relevant with EO 13045.

32. (b) (6) (b) (5)

33. LS: It does not appear that the Action Development Process (ADP) was followed?

34. (b) (6) That would be accurate (b) (5)

(b) (5)

35. AD: In hindsight do you think the RIA should have been done?

36. (b) (6) (b) (5)

39. TG: Said that OTAQ had prepared justification explaining why the rule was economically significant. This was sent several times (Auditor's Note: at a minimum October 20 & November 8, 2017) yet there was never any reaction to this.

40. (b) (6) (b) (5)

41. We had no further questions and thanked (b) (6) for his time.

42. (b) (6) said he would be available for follow up questions. He restated that the (b) (5)

The meeting then adjourned

Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	L. Stolz	02/21/19	
Peer reviewed or read			
PM reviewed	A. Dutton	2/22/19	WP has been reviewed and is complete. AJD 2/22/19
PLD reviewed			
Additional Edits			

**Title:** (b) (6) Interview 2/20/2019

**Purpose:**

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, *“Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.”* This WP applies to Assignment Guide step C.2 and documents an interview with (b) (6).

**Sources:**

1. Linked PDF documents the invitation for this meeting [Link: C.2.4 - Meeting Invitation.pdf](#).
2. Prior to this meeting the team developed the following list of questions to help guide this interview [Link: C.2.4 - \(b\) \(6\) interview questions\\_2-13-19.docx](#).
3. Linked PDF documents an email Dutton sent on February 12, 2019 to (b) (6) schedulers explaining the importance of OIG getting on (b) (6) schedule and citing a memo from the Acting Administrator and the Inspector General Act of 1978 regarding cooperation with the OIG [Link: C.2.4 - 021219 email from AD.pdf](#).
4. The following people attended this meeting:

**Office of Policy**

(b) (6)

**OIG**

Pat Gilbride (PG), Director, 303-312-6969  
Alli Dutton (AD), Project Manager, 215-814-2349  
Gilbert Mears (GM), Attorney, 202-566-2277  
Todd Goldman (TG), Auditor, 303-312-6189  
Luke Stolz (LS), Auditor, 303-312-6165



5. On 2/21/19, Gilbert Mears provided his legal opinion following this meeting. (See Source 5) [Link: C.2.4 - Mears follow up email.pdf](#).

### Scope:

This meeting was held via teleconference on February 20, 2019 at 3:00 pm EST and lasted approximately 45 minutes. During this meeting, we discussed (b) (6) involvement in the actions surrounding the proposed rulemaking, the decision to list the rulemaking as “Other Significant” rather than “Economically Significant,” the decision not to conduct analyses required by EOs 12866 and 13045, and who the decision makers were. Meeting notes are documented in the Details section below. Please note that these notes are not a direct transcript but rather try to capture the main points of conversation.

### Conclusion:

According to information discussed during this meeting:

1. Since July 2018, (b) (6) [REDACTED] During this time, she worked on briefing the Administrator, interfacing with career staff in OP, and the interagency review process and communication with OMB or other federal agencies with equities in the process. She said this was the same process as any other major rulemaking C1.
2. (b) (6) said (b) (5) [REDACTED] . C2 C17
3. (b) (6) said (b) (5) [REDACTED] . C3
4. Regarding negotiations with OMB on the proposed rule, (b) (6) said she had standard check-ins. C4
5. (b) (5) [REDACTED] . C5
6. (b) (5) [REDACTED] . C6 C15 She suggested we speak with (b) (6) [REDACTED] on her staff regarding whether the ADP was followed for this rule. C7
7. (b) (5) [REDACTED] C8
8. (b) (6) said that this rule was on an accelerated time frame. C9
9. (b) (5) [REDACTED] . C10
10. (b) (5) [REDACTED] . C11
11. (b) (6) did not know whether this proposed rule was tiered but said her staff could tell us. C12
12. Acting Administrator Wheeler sent a memo out in August 2018 reinforcing the ADP and OP’s role. C13
13. (b) (6) said that she was briefed on the ADP within a week of taking the job and has offered training (b) (6) [REDACTED] colleagues and passed out the ADP flowchart at AA meetings.

(b) (5)

C14

14. (b) (6) said her understanding was (b) (5)

C16

Other Notes:

1. On multiple occasions, (b) (6) suggested we speak (b) (6) who are members of her staff, particularly on interactions with OMB. [ON1](#)  
[ON2](#) [ON3](#) [ON4](#) [ON5](#) [ON6](#)

Details:

PG began the meeting with introductions and (b) (6) said she appreciated OIG's flexibility regarding the scheduling of this meeting. PG then provided a description of the OIG's assignment and asked if (b) (6) had any questions.

(b) (6) Given my experience in working with your office, I was curious (b) (5)

PG: (b) (5)

From our previous work on heavy duty and on gliders, it seemed appropriate to look at rulemaking process on regulatory and deregulatory processes.

AD: Describe your current position and position held in the Summer and Fall of 2017 and the Spring of 2018. What was your role in the glider repeal NPRM process during this time period?

(b) (6)

(b) (5)

I worked on briefing the Administrator, interfacing with career staff in OP responsible for rule writing, and the interagency review process and communication with OMB or other federal agencies with equities in the process. This was the same process as any other major rulemaking. (b) (5)

(b) (5) . My office is also responsible for closing out actions, signatures, and federal reg posting.

AD: OMB deems which rules are significant?

(b) (6) The proposed rule was listed as significant. It was significant under EO 12866. OMB deemed it significant.

(b) (5)

(b) (5)

(b) (5)

(b) (5)

AD: Were there any red flags on the glider rule?

(b) (6) (b) (5)

AD: Were you involved in final negotiations with OMB when this NPRM was being signed?

(b) (6) This was one of dozens of rules that we were checking to see when it would get cleared. Yes, we continued to regularly have conversations. I cannot speak to conversations my predecessor had. Can only speak to my conversations, which were just standard check-ins.

AD: (b) (5)

(b) (6) (b) (5) EO 12866 calls for a process where you can request public meetings. On any rule, they have meetings with the public and stakeholders. Once we take those meetings, they are posted on reginfo.gov. There may have been a meeting and you could check there.

AD: Yes, we have seen meetings listed in the docket. Were there others held that were not listed in the docket?

(b) (6) (b) (5) I would not expect so.

AD: Was there an OMB waiver issued for this rule?

(b) (6) No, I am not aware of a waiver.

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5) If you look at the public comment solicitation this was the question. We received robust comments from the public.

GM: This was still a full rulemaking. One of the red flags we saw was that the significance changed one day before signature. We are trying to understand what caused this change.

(b) (5)

GM: Does OMB provide supporting rationale for decisions on significance?

(b) (5)

PG: From other folks we have talked with, (b) (5)  
(b) (5) As far as process, was that the way it was done at the time or is that the normal process?

(b) (6) (b) (5) [REDACTED]  
This was briefed to the Administrator multiple times and representatives from different offices were involved.

(b) (5) [REDACTED]

(b) (5) [REDACTED]

[REDACTED]

GM: This rule is still on the regulatory agenda.

(b) (6) I would have to look back at the agenda. For the record, they put out everything in advance and sometimes they are stale when it comes out.

GM: Regardless of whether the rule was withdrawn, we are attempting to see if the process was followed at the time and whether it will be followed in the future.

(b) (6) [REDACTED]

AD: EO 12866 requires that the issuing agency perform cost/benefit analysis for other significant rules as well. We did not see this in the docket. Do you know if EPA did one for the glider rule?

(b) (6) (b) (5) [REDACTED]

AD: Do you know what the current plan for this proposed rule is? What does the future hold for gliders?

(b) (6) (b) (5) [REDACTED]

AD: Who was the Regulatory Policy Officer (RPO) in the Fall of 2017?

(b) (6) [REDACTED]

(b) (6)

AD: Was this rule tiered?

(b) (6) I do not know. (b) (5)

AD: Are there assurances in place now to ensure that the ADP and the two EOs are followed in the future?

(b) (6) I cannot speak to EO 13045 because that is handled by a separate office. (b) (5) Acting Administrator Wheeler sent a memo out in August 2018 reinforcing the ADP and OP's role. (b) (5)

AD: Was that memo sent out for a specific reason?

(b) (6) (b) (5)

AD: Is there required training on the ADP process for staff involved in rulemaking?

(b) (6) (b) (5)

AD: Is this part of the normal process for political appointees?

(b) (6) (b) (5)

AD: In your role, have you seen other regulatory or deregulatory processes that fell outside of the ADP process?

(b) (6) Like I said, (b) (5)

GM: Would you say that (b) (6) would be the people to talk to about whether OMB provides information on significance determinations?

(b) (6) I would say (b) (6) interfaces with OMB the most.



PG: (b) (5)

(b) (6) (b) (5). My understanding was that (b) (5)

GM: It contained language on EOs but the day before it was signed, the language on significance was toggled from economically significant to other significant. Based on what we have seen this was not correct.

(b) (5)

AD: Who was your main contact with OMB for the glider rule?

(b) (6) There was a change. At one point, (b) (6) was our original point of contact and then it could have shifted to (b) (6). They work for OIRA. Specifically the EOC branch of OIRA was involved. Usually there are multiple branches involved.

I will make my staff available to you. I think you would benefit from talking to them. I think talking to OMB would add value as well. I hope I have been helpful.

>>>END OF MEETING NOTES<<<

Notes received from OC Gilbert Mears via e-mail (See Source 5)

**From:** Mears, Gilbert

**Sent:** Thursday, February 21, 2019 5:17 PM

**To:** Dutton, Allison <Dutton.Allison@epa.gov>; Gilbride, Patrick <Gilbride.Patrick@epa.gov>; Goldman, Todd <Goldman.Todd@epa.gov>; Stolz, Luke <Stolz.Luke@epa.gov>

**Subject:** RE: Meeting updates - still happening

I wanted to follow up on (b) (5)

A few things to say in response:

- (b) (5)

-Gilbert



Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	T.Goldman	2/21/2019	
Peer reviewed or read			
PM reviewed	A. Dutton	2/22/2019	Attached OC impression as source #3. WP has been reviewed and is complete. AJD 2/22/19
PLD reviewed			
Additional Edits			

**Title:** (b) (6) Interview 2/20/2019

**Purpose:**

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, “*Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.*” This WP applies to Assignment Guide Step **C.2.5** and documents an interview with (b) (6).

**Sources:**

1. Linked PDF documents the invitation for this meeting. [Link: C.2.5 - C.2.5 \(b\) \(6\) 2.20.19.docx](#)
2. Prior to this meeting the team developed the following list of questions to help guide this interview. [Link: C.2.5 - Draft \(b\) \(6\) Interview Questions 021919.docx](#)

The following people attended this meeting:

**Office of Air and Radiation**

(b) (6)

**OIG**

Pat Gilbride, Director, 303-312-6969  
Alli Dutton, Project Manager, 215-814-2349  
Gilbert Mears, Attorney, 202-566-2277  
Todd Goldman, Auditor, 303-312-6189  
Luke Stolz, Auditor, 303-312-6165

3. Gilbert Mears provided his insight on the conversation following this meeting. See Source 3 [Link: C.2.5 - C.2.5 Email from Gilbert Mears.pdf](#)

### Scope:

This meeting was held via video conference on February 20, 2019 at 11:00 am EST and lasted approximately 40 minutes. During this meeting we discussed if (b) (6) was involved in the proposed rulemaking (b) (6), his involvement (b) (6), the rulemaking process, and the current status of the proposed rule.

### Conclusion:

- (b) (6) was not involved with the proposed rule to rescind the Glider rule. (Detail 2 and 4)
- (b) (5) (Detail 8)
- (b) (6) did not have any involvement or knowledge of why the proposed rule's designation was switched from Economically Significant to Other Significant. (Detail 16)
- (b) (6) was not in contact with OMB regarding the proposed rule. (Detail 10 and 12)
- (b) (5) (Detail 32)
- [Link:](#) (b) (5)

### Details:

Pat began with introductions and a brief summary of our project. (b) (6) had no questions for us and Alli (PM) proceeded with the questions.

1. AD: Did you have any involvement in the Glider repeal NPRM prior to (b) (6) 11/9/17)
2. (b) (6) None
3. AD: After (b) (6) what was your involvement in the Glider repeal?
4. (b) (6) Proposed rule was signed prior to my arrival. Published soon after my arrival. No involvement in proposed rule. (b) (5)

(b) (5)

5. AD: Alli asked for clarification regarding (b) (5) ?

6. (b) (6) Clarified that (b) (5) .

7. AD: In the process of extended the deadline, what was Pruitt's role?

8. (b) (6) Within the agency he was the decision maker. (b) (5)

9. AD: Communication with OMB?

10. (b) (6) Proposed rule was issued prior to me getting here. I can't speak to what communication occurred with OMB.

11. AD: Post comment period?

12. [Link:](#) [Link:](#) (b) (6) (b) (5)

My understanding was (b) (5)

13. AD: Was there talk of completing RIA?

14. (b) (6) (b) (5)

15. AD: One of the things we are interested in are the EO 12866 and 13045 and the requirements when a rule is deemed economically Significant. On the day that it was approved the designation was changed to other significant and approved by OMB. It had gone through public comment period. And then at some point was switched back to economic significant. Do you know why?

16. (b) (6) (b) (5)

(b) (5)

17. AD: (b) (5)

18. (b) (6) (b) (5)

19. AD: For the glider rule were you in contact with OIRA?

20. (b) (6) Not that I recall. (b) (5)

21. AD: Do you remember the main point of contact within OIRA?

22. (b) (6) (b) (5)

23. AD: (b) (5)

24. (b) (6) (b) (5)

25. AD: The rulemaking process for this NPRM (b) (5)


(b) (6)

have you taken any steps to ensure all rulemaking requirements are met? Specifically, EOs 12866 and 13045

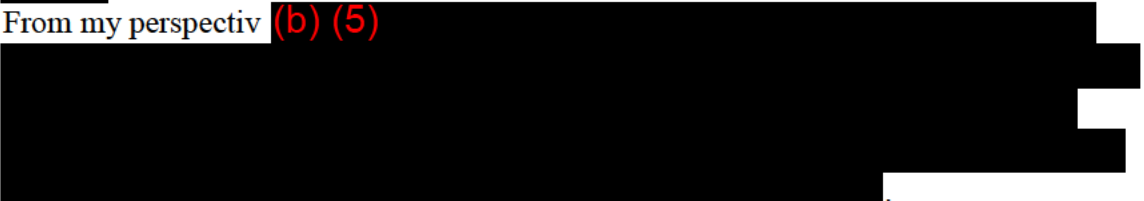
26. (b) (6) (b) (5) 12866, 13045, and ADP process which is an internal Agency process for tiering. (b) (5).



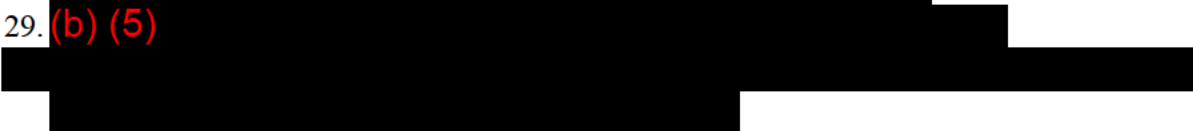
27. (b) (5)



28. From my perspective (b) (5)



29. (b) (5)



31. AD: In the Acting Administrator's response on January 16, 2019 to the Senate Environment & Public Works Committee Questions for the Record, Wheeler highlighted that EPA is assessing the means for analyzing cost benefits for gliders. Who in the Agency is working on this? Is this effort to address OMB's request for a RIA?

32. (b) (6) (b) (5)



(b) (5)

33. (b) (5)

(b) (5)

39. AD: Asked if there were additional questions.

40. GM: Pointed out the requirements of 12866, considering economic and environmental impact is what 12866 is meant to do.

41. (b) (6) (b) (5)

42. (b) (5)

There was an ask for additional questions. There were none.

40 minutes in duration.

**Notes received from OC Gilbert Mears via e-mail (See Source 3)**

**From:** Mears, Gilbert

**Sent:** Wednesday, February 20, 2019 1:48 PM

**To:** Dutton, Allison <[Dutton.Allison@epa.gov](mailto:Dutton.Allison@epa.gov)>; Gilbride, Patrick <[Gilbride.Patrick@epa.gov](mailto:Gilbride.Patrick@epa.gov)>; Goldman, Todd <[Goldman.Todd@epa.gov](mailto:Goldman.Todd@epa.gov)>; Stolz, Luke <[Stolz.Luke@epa.gov](mailto:Stolz.Luke@epa.gov)>

**Subject:** RE: Meeting updates - still happening

A couple thoughts following our conversation with (b) (6)

- (b) (5) 
  - (b) (5) 
- 

(b) (5)



Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	T.Goldman	02/20/19	
Peer reviewed or read			
PM reviewed	A. Dutton	2/22/19	(b) (5) WP has been reviewed and is complete. AJD 2/22/19
PLD reviewed			
Additional Edits			

**Title:** Interview with (b) (6)

**Purpose:** This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, “*Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.*” This WP applies to Assignment Guide Step C.2.6

- 1) **Sources:** This meeting was held via teleconference on February 14, 2019 at 1:00pm EST and lasted approximately 30 minutes. The Microsoft Outlook invitation for this meeting can be seen in the linked PDF. [Link: C.2.6 - \(C\) \(b\) \(6\) Interview 2.14.19 - Meeting Invite C.2.5 \(b\) \(6\) 2.14.19.pdf](#)

The following people attended this meeting:

**OIG**

Pat Gilbride, Director, 303-312-6969  
Alli Dutton, Project Manager, 215-814-2349  
Todd Goldman, Auditor, 303-312-6189  
Luke Stolz, Auditor, 303-312-6165  
Gilbert Mears, OIG OC, 202-566-2277

**OAR/OAP**

(b) (6) OAR Office of Atmospheric Programs, (b) (6)

- 2) Prior to this meeting the OIG team developed a general list of questions contained in the linked Word document. We did not provide this list of questions to (b) (6) prior to the

meeting. [Link: C.2.6 - \(C\) \(b\) \(6\)](#) Interview 2.14.19 - (b) (6) interview questions\_2-13-19.docx

- 3) Notes provided by Luke Stolz [Link: C.2.6 - \(C\) \(b\) \(6\)](#) Interview 2.14.19 - (b) (6) interview questions\_2-13-19 WITH LS NOTES.docx

**Scope:** We conducted this interview to ask questions about the development of the proposed rule, how it is submitted to the docket and how OMB provides a review of the proposal and influences changes in the final draft of the proposed rule. Notes from this discussion are captured in the Details section below. Please note that this is not direct transcript of what was said at this meeting but rather tries to capture the main points of conversation.

**Conclusion:**

1. (b) (5) (Details 5, 16, 18 and 32)
2. (b) (6) main role was as an intermediary between the political staff and the career OTAQ staff. (Details 5 and 7)
3. (b) (6) indicated that (b) (5). (Detail 17, 22, 24 32, 36 and 51)
4. (b) (5). (Details 16, 22, 42 and 49)
5. [Link: \(b\) \(5\)](#) (Detail 9, 34, 42 and 49)
6. [Link: Link: Link: \(b\) \(5\)](#) (Detail 9 and 49)

**Auditor Opinion:**

(b) (5)

**Details:**

There were initial introductions, then Pat introduced our project and an overview of how our OIG process worked. Pat asked if there were any questions and (b) (6) did not have any. Allie then proceeded with our questions.

1. AD: Describe your current position and position held in Summer & Fall 2017. What was your role in the glider repeal NPRM process during this time period?

2. (b) (6)

3. (b) (6) (b) (5)

(b) (5)

(b) (6)

4. AD: How involved were you in the glider repeal?

5. (b) (6) (b) (5)

The main role that I played across a number of political actions and the glider action was that almost an intermediary between political direction and program staff I would then back and forth with sharing options from program staff. (b) (5)

6. AD: Involved in other actions outside of gliders?

7. (b) (6) Yeah, certainly had other actions coming through OAR at the time. OAR has lots of statutory obligations and court ordered deadline. Office continued to run and meet its obligations so those got passed through me. (b) (5)

(b) (5)

10. AD: Have you been in other ADP rulemaking?

11. (b) (6) Yes, I have certainly had experience on ADP process on rules in my office. Certainly, been part of rules that have gone through that.



12. AD: We are trying to get a better understanding of who was involved in this process and how decisions were made.

13. (b) (5)

14. AD: We are trying to piece together roles of who was involved, Pruitt, Jackson others?

15. (b) (5)

16. On the question of being economically significant (b) (5)

17. AD: Were you on any of the conversations with OMB?

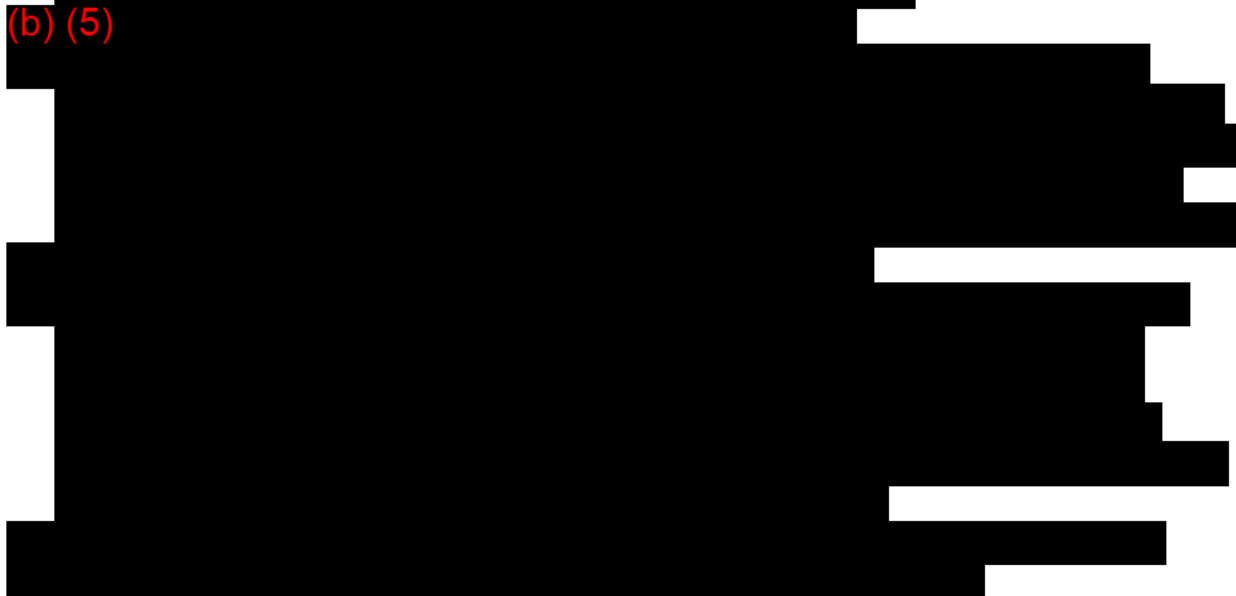
18. (b) (5) I wasn't on any OMB conversations. (b) (5)

(b) (5)

(b) (5)




(b) (5)



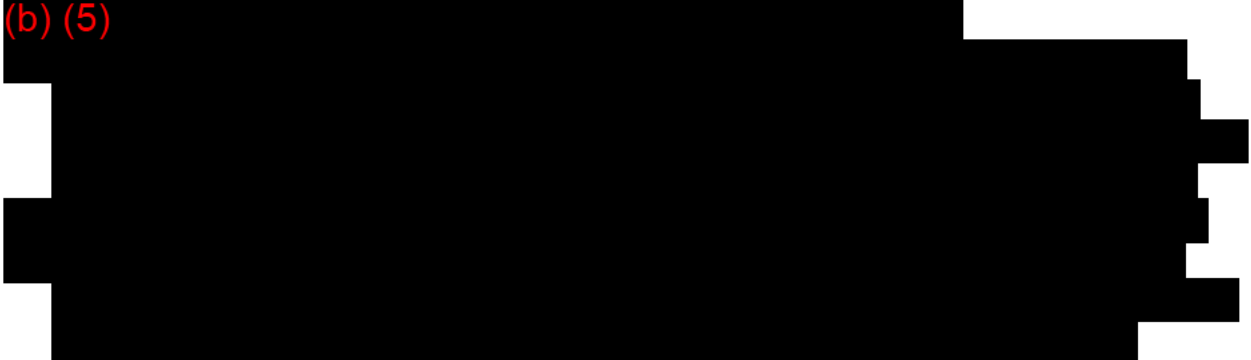
29. AD: So, once it went to OMB what followed?

30. (b) (5) Rule was signed on November 9<sup>th</sup> and every version I was copied on and the version that went to OMB on 10/20, then there was a version on 11/7 that still had significant language in there, and then on 11/8 there was an email from OTAQ staff that they received word from OMB that they cleared the rule with change to Other Significant.

(b) (5)






(b) (5)




41. AD: Additional staff we should talk to?

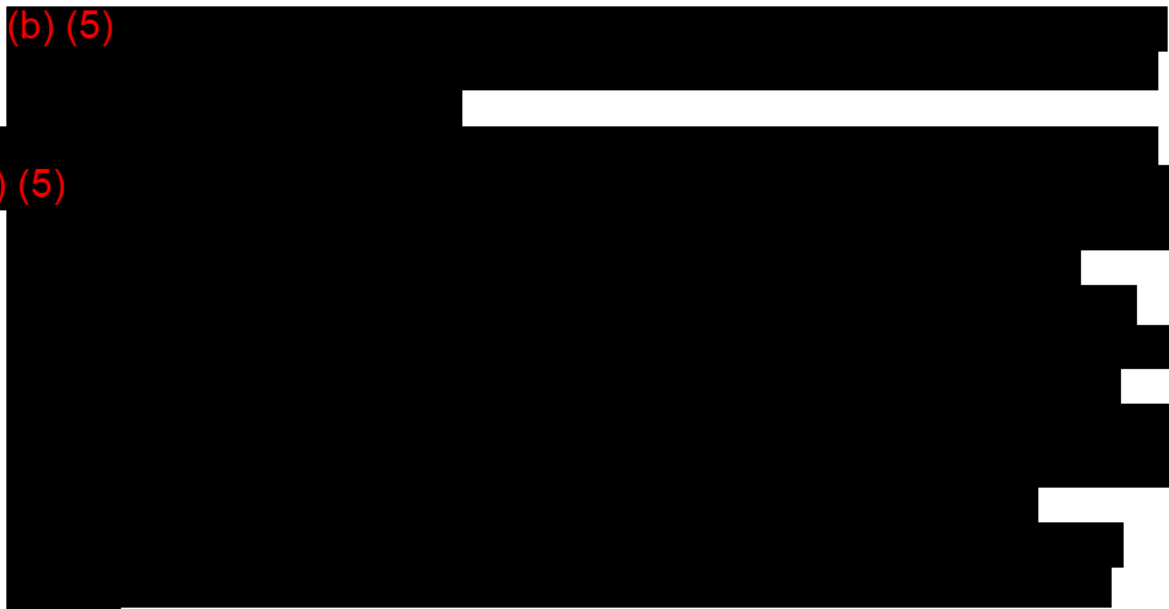
42. (b) (5)



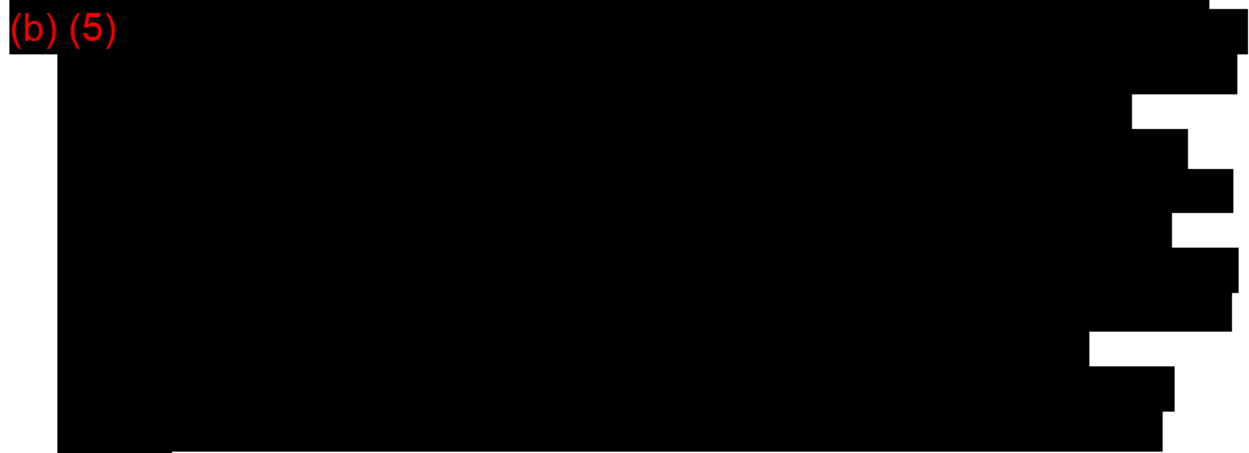
(b) (5)




(b) (5)




(b) (5)



(b) (5)



(b) (5)



The meeting then adjourned

[Link:](#) C.2.7 - Meeting Invite 2.27.19 (b) (6) pdfResponse to Congressional Request on  
Glider Repeal Actions

**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	T.Goldman	2/28/2019	
Peer reviewed or read			
PM reviewed	A. Dutton	3/11/19	WP has been reviewed and is complete.
PLD reviewed			
Additional Edits			

**Title:** (b) (6) Interview 2/27/2019

**Purpose:**

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, “*Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.*” This WP applies to Assignment Guide Step **C.2.7** and documents an interview with (b) (6).

**Sources:**

1. Linked PDF documents the invitation for this meeting. [Link:](#) C.2.7 - Meeting Invite 2.27.19 (b) (6) .pdf
2. Prior to this meeting the team developed the following list of questions to help guide this interview. [Link:](#) C.2.7 - Draft Questions for (b) (6) - (b) (6) \_GWM\_AJD\_022519.docx
3. The following people attended this meeting:

**Office of Policy / Office of Regulatory Policy and Management**  
(b) (6)

**OIG**

Pat Gilbride, Director, 303-312-6969  
Alli Dutton, Project Manager, 215-814-2349  
Gilbert Mears, Attorney, 202-566-2277  
Todd Goldman, Auditor, 303-312-6189  
Luke Stolz, Auditor, 303-312-6165

**Scope:**

This meeting was held via video conference on February 27, 2019 at 11:00 am EST and lasted approximately 50 minutes. During this meeting we discussed if (b) (6) was involved in the proposed rulemaking and the current status of the proposed rule.

**Conclusion:**

- (b) (6) was involved incidentally. It was primarily handled by the Policy Level Officials at EPA. (b) (5)
- Exchanges regarding the Interagency Review at (b) (5) (Detail 10 & 18) Auditor Note: (b) (5)
- (b) (6) explained (b) (5) (Detail 12)
- (b) (6) said: (b) (5) (Detail 20)
- (b) (6) said: (b) (5) (Detail 32)
- Regarding the ADP, (b) (6) said: (b) (5)
- (b) (5) (Detail 44 & 45)

## Details:

Pat began with introductions and a brief summary of our project. (b) (6) had no questions for us and Luke (Auditor Extraordinaire) proceeded with the questions.

## Background

1. LS: Describe your current position and position held in the Summer & Fall 2017.
2. (b) (6)
3. LS: During the summer and fall of 2017, please describe your involvement in the development of the Notice of Proposed Rulemaking, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits."
4. (b) (6) Was involved incidentally. He recalled that it was primarily handled by the Policy Level Officials at EPA. (b) (5)
5. LS: Clarified Policy Level Folks.
6. (b) (6) Meant, Political Appointees in the Office of Policy.
7. LS: Was your office involved?
8. (b) (6) His Office uploads anything that is being reviewed by OMB into a system database called Krokas? For interagency review to be completed. So, they were involved in the transmittal process (b) (5)
9. LS: Were you or anyone in your Office involved in determining the significance of this rule (other significant vs economically significant)? If so, can you describe this decision-making process? Who made the final determination on this proposed rule's significance?
10. (b) (6) stated: (b) (5)
11. LS: In our read of Executive Order 12866, the determination of significance is a shared responsibility between the issuing agency and OMB OIRA. Is this correct? What role does EPA play in determining a proposed rule's significance?



12. (b) (6) explained (b) (5)

(b) (5)

15. LS: The record shows that this proposed rule was listed as “economically significant” up until the day before it was signed when it was changed to “other significant.” According to the record and other people we have spoken to, this was done at the request of OMB.

his office just handled the transmittal aspects.

(b) (5)

19. (b) (5)

20. (b) (6) Once it is viewed as significant. You get into that 90-day review protocol. (b) (5)

21. Alli: Asked about the interagency review (b) (5)

22. (b) (5) [REDACTED]

23. LS: In your opinion, (b) (5) [REDACTED]

24. (b) (6) (b) (5) [REDACTED]

(b) (5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

29. PG: Let (b) (6) know that (b) (6) suggested that we talk to him.

30. (b) (6) (b) (5) [REDACTED]

31. (b) (5) [REDACTED]

33. (b) (5) [REDACTED]

34. PG: We heard (b) (5) [REDACTED]

35. (b) (6) (b) (5) [REDACTED]

36. PG: (b) (5) [REDACTED]

37. (b) (6) I (b) (5) [REDACTED]

38. LS: EO 12866 requires that an issuing agency perform cost/benefit analysis for actions classified as “other significant” or “economically significant” with the analysis for “economically significant” being more comprehensive. We were unable to locate such analysis in the docket. Did EPA conduct this analysis? If not, why not? What about the analysis required by EO 13045?

39. (b) (6) (b) (5) [REDACTED]

40. LS: (b) (5) [REDACTED]

41. (b) (6) (b) (5) [REDACTED]

42. LS: Is there leeway for not complying with 12866 or completing an economic analysis?

43. (b) (6) (b) (5) [REDACTED]

44. Alli: Our interpretation of 12866 is (b) (5) [REDACTED]

45. (b) (6) (b) (5) [REDACTED]

46. Alli: Are there others that we should talk too?

47. (b) (6) (b) (5)
48. LS: We have heard that (b) (5)
49. (b) (6) (b) (5)
50. PG: Are there training on the rulemaking and the ADP process. Are Political Appointees required to take the training?
51. (b) (6) No one is required to take the training. Training is available by two means. There is some on-line stuff and there are more formal sessions. (b) (5)
52. PG: In your view (b) (5)
53. (b) (6) (b) (5)
54. LS: Do you have any insight into this being an interpretive rule?
55. (b) (6) (b) (5) My recollection of it (b) (5)
56. (b) (6) (b) (5)
57. LS: Since OMB denied the final rule for lacking an RIA, has there been any movement on gliders? Have you been involved?
58. (b) (6) (b) (5)
59. Alli: We have seen that it is deemed a long term now. At what time does it get moved to inactive?

60. (b) (6) All the major rule makings that the Agency gets are looked at every six months. Reg agendas come out in April and October (b) (5).
61. Alli: What level is the meeting with OMB for the interagency review?
62. (b) (6) (b) (5)

We had no additional questions and (b) (6) had none for us. The meeting then adjourned.

Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	L. Stolz	03/06/19	
Peer reviewed or read	T.Goldman	03/06/19	Reviewed the WP and found it accurate
PM reviewed	A. Dutton	3/11/19	WP has been reviewed and is complete.  (b) (5)  -AJD 3/11/19  (b) (5)  LS 04/24/19  Comments cleared. AJD 4/24/19
PLD reviewed			
Additional Edits			

**Title:** (b) (6) Interview 2/27/19

**Purpose:**

This will aid in answering the overall objective question: "To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, *"Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits."* This WP applies to Assignment Guide step C.2 and documents an interview with (b) (6).

**Sources:**

1. Linked PDF documents the invitation for this meeting [Link: C.2.8 - \(b\) \(6\) Meeting Invitation.pdf](#).
2. Prior to this meeting the team developed the following list of questions to help guide this interview [Link: C.2.8 - Draft Questions for \(b\) \(6\).docx](#).
3. The following people attended this meeting:

**Office of Policy**

(b) (6) National Center for Environmental Economics,  
(b) (6)

**OIG**

Pat Gilbride (PG), Director, 303-312-6969 (Pat could only attend the first 15 mins of meeting)

Alli Dutton (AD), Project Manager, 215-814-2349

Gilbert Mears (GM), Attorney, 202-566-2277

Todd Goldman (TG), Auditor, 303-312-6189

Luke Stolz (LS), Auditor, 303-312-6165

4. Linked PDF documents follow-up emails between (b) (6) and the team in which (b) (6) provided additional rulemakings (b) (5). [Link: C.2.8 - Follow up emails with \(b\) \(6\).pdf](#).

**Scope:**

This meeting was held via teleconference on February 27, 2019 at approximately 12:40 pm EST and lasted approximately 50 minutes. During this meeting, we discussed (b) (6) involvement in the actions surrounding the proposed rulemaking, the decision to list the rulemaking as “Other Significant” rather than “Economically Significant,” and the decision not to conduct analyses required by EOs 12866 and 13045. Meeting notes are documented in the Details section below. Please note that these notes are not a direct transcript but rather try to capture the main points of conversation.

**Conclusion:**

According to information discussed during this meeting:

1. One of the National Center for Environmental Economics’ (NCEE) major responsibilities is to review Regulatory Impact Analysis or economic analysis to support regulations that come from program offices. (b) (5). [C1](#)
2. Part of NCEE’s job is to flag rules that may just be listed as significant and could be listed as economically significant. [C2](#)
3. (b) (6) believed (b) (5). [C3](#)  
[C6](#)
4. (b) (6) did not believe (b) (5). [C4](#)

5. [Link:Link:Link:](#) (b) (6) thought (b) (5)

(b) (6) After the meeting we followed up with (b) (6) OIG's follow-up and (b) (6) response can be seen in Source 4 above. [C5](#) [C7](#)

**Details:**

PG began the meeting with an introduction and (b) (6) said that he sat in on the Kickoff Meeting for the assignment. PG asked (b) (6) if he had any questions and he said no.

AD: Describe your current position and position held in the Summer & Fall 2017.

(b) (6)  
National Center for Environmental Economics (NCEE). It is within the Office of Policy (OP) and houses mainly economists. One of its major responsibilities is to review Regulatory Impact Analysis or economic analysis to support regulations that come from program offices. Sometimes in support of Executive Order (EO) 12866. We sometimes provide technical assistance (b) (5)


AD: How do you get involved in reviewing or working on analysis?

(b) (6) (b) (5)  
(b) (6)  
EO 12866 says you have to do an economic analysis for rules that are economically significant and other significant. OMB defines economic significance as rules that have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy. (b) (5)

AD: During the Summer and Fall of 2017, please describe your and your office's involvement in the development of the Notice of Proposed Rulemaking, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits."



(b) (6) (b) (5)




AD: Our current understanding is that decisions for this rule were made at a pretty high level. This rule was initially said to be economically significant and then changed to other significant. Were you aware of conversations related to this decision?


(b) (6) (b) (5)



AD: (b) (5)

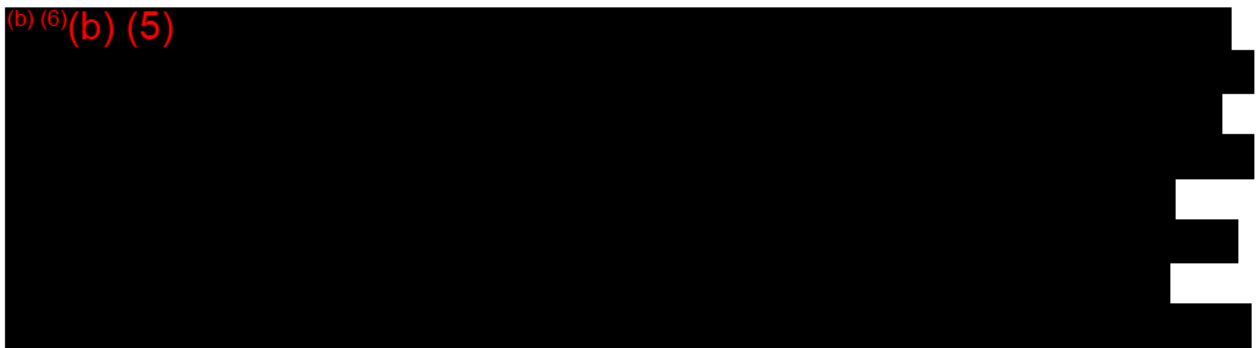


(b) (6) (b) (5)



AD: We have a presentation from the Office of Transportation and Air Quality (OTAQ) from the summer of 2017 that said this was economically significant and then career staff emailing political staff with language from the Phase 2 rule saying this rule was economically significant. The toggle on significance was switched and we are trying to understand why. It then went out for public comment and then sometime in 2018 OMB said they needed an RIA.

(b) (6) (b) (5)



(b) (5)

This is my guess.

AD: (b) (5)

(b) (6) (b) (5)

AD: (b) (5)

(b) (6) (b) (5)

AD: EO 12866 requires that an issuing agency perform cost/benefit analysis for actions classified as “other significant” or “economically significant” with the analysis for “economically significant” being more comprehensive. We were unable to locate such analysis in the docket. Did EPA conduct this analysis? If not, why not?

(b) (6) (b) (5)

AD: We have heard (b) (5)

(b) (6) (b) (5)

(b) (5)

AD: Should the agency have complied with Executive Order 12866?

(b) (6) (b) (5)

AD: Would a cost/benefits analysis have to be done for the final rule?


(b) (6) (b) (5)

AD: At some point the rule got changed back to economically significant and that is how it is currently listed. Is that unusual for it to be posted as other significant in the notice of proposed rulemaking stage and then changed for the final rule?

(b) (6) (b) (5)

(b) (5)

(b) (5)

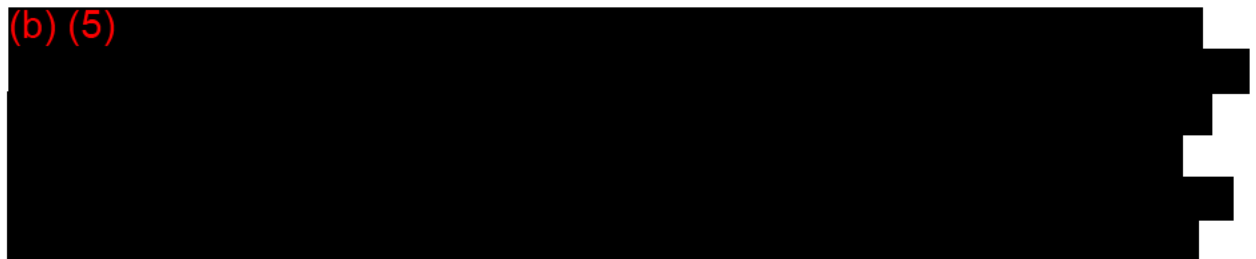


AD: Are there other examples? You can think about it and get back to us.

(b) (6) That would take some thinking.

TG: We have heard (b) (5).

(b) (5)



(b) (5)


(b) (5)

AD: Since OMB denied the final rule for lacking an RIA, has there been any movement on gliders? Have you been involved?

(b) (5)

AD: If other examples come to mind on the deregulatory process please let us know.

(b) (6) I will give that some thought.

(AUDITOR NOTE: After this meeting the OIG team followed up with (b) (6) via email. The team asked if he thought of any other regulatory/deregulatory actions, besides the Glider Repeal, where EPA might not have performed analysis discussed in EOs 12866 and 13045. Source 4 documents the chain of emails between the OIG and (b) (6) regarding this question. (b) (5)

(b) (5) [REDACTED] :

(b) (6)	List	OECA Program Analyst List
(b) (5)		[REDACTED]
[REDACTED]	[REDACTED]	(b) (5) [REDACTED]

)

>>>END OF NOTES<<<

Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	T.Goldman	3/6/2019	
Peer reviewed or read			
PM reviewed	A. Dutton	3/11/19	WP has been reviewed and is complete.
PLD reviewed			
Additional Edits			

**Title:** (b) (6) Interview 03/05/2019

**Purpose:**

This will aid in answering the overall objective question: "To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, *"Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits."* This WP applies to Assignment Guide Step C.2.9 and documents an interview with (b) (6).

**Sources:**

1. Linked PDF documents the invitation for this meeting. [Link: C.2.9 - Meeting Invite \(b\) \(6\) 3.5.19.pdf](#)
2. Prior to this meeting the team developed the following list of questions to help guide this interview. [Link: C.2.9 - Draft Questions for \(b\) \(6\).docx](#)
3. The following people attended this meeting:

**Administrators Office/Office of Policy/National Center for Environmental Economics**

(b) (6)

**OIG**

Pat Gilbride, Director, 303-312-6969  
Todd Goldman, Auditor, 303-312-6189  
Luke Stolz, Auditor, 303-312-6165

**Scope:**

This meeting was held via teleconference on March 5, 2019 at 10:00 am EST and lasted approximately 35 minutes. During this meeting we discussed if (b) (6) was involved in the

proposed rulemaking. (b) (6) thought that (b) (6) might have been on a workgroup regarding the repeal of the glider rule.

### Conclusion:

- [Link](#): With a rulemaking, there is normally a workgroup. The workgroup has an analytic blueprint. (b) (5)  
(b) (5)  
(b) (5) (Detail 2)
- A workgroup is a formal process. It has its own policies and guidelines. (Detail 9)
- [Link](#): The proposed Glider Repeal rule did not have a workgroup. (Detail 5, 8 & 10)
- (b) (6) was not involved in any analysis (b) (5). (Detail 10, 14 & 23)
- [Link](#): Regarding this rule, (b) (6) said: (b) (5). (Detail 27)
- From the staff perspective (b) (5) (b) (5) (Detail 8)
- According to (b) (6) the purpose of the RIA and Cost Benefit Analysis (b) (5) (b) (5) (b) (5) (Detail 31)

Auditor Note for Consideration: (b) (5)

(b) (5)  
(Detail 19)

### Details:

Luke began with introductions and a brief summary of our project. (b) (6) said that information was very helpful and had no questions for us and Luke proceeded with the questions.

### Background

1. LS: Describe your current position and position held in the Summer & Fall 2017. What role do you normally play in the rulemaking process?
2. (b) (6) reviewing analysis that are done to support rule making. This is done by a workgroup. Normally they would have an analytic blueprint. (b) (5)



(b) (5)

3. (b) (6) (b) (5)

4. LS: During the Summer and Fall of 2017, please describe your involvement in the development of the Notice of Proposed Rulemaking, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits."

5. (b) (6) Was not aware of this rule having a workgroup. (b) (5)

8. (b) (6) There was no workgroup or analytic blueprint. (b) (5)

9. LS: Confirmed that there was not workgroup for this proposed rule.

10. (b) (6) No work group that (b) (6) was involved with. A workgroup is a formal process. It has its own policies and guidelines depending on what the governing document is. (b) (5)

11. LS: What was your first involvement?

12. (b) (6) (b) (5)

13. LS: (b) (5)

14. (b) (5)

(b) (5)

20. LS: Were you involved in determining the significance of this rule under Executive Order 12866?

21. (b) (5) No (b) (5)

22. LS: It is our understanding that analyses required by Executive Orders 12866 and 13045 were not completed for this proposed rule. Is this correct? If so, do you know why these analyses were not completed and who made the decision not to complete them?

23. (b) (5) Was not involved (b) (5)

24. LS: We have heard (b) (5)

28. (b) (5)

30. PAT: What is the goal of the RIA and Cost benefit Analysis that is done to support the rule making?

31. (b) (5) [REDACTED]

32. (b) (5) [REDACTED]

33. PG: What is the impact on a rulemaking when there is no analysis?

34. (b) (5) [REDACTED]

We had no additional questions and (b) (5) had none for us. The meeting then adjourned.

Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	T.Goldman	03/07/2019	
Peer reviewed or read			
PM reviewed	A. Dutton	3/11/19	WP has been reviewed and is complete.
PLD reviewed			
Additional Edits			

**Title:** Ryan Jackson, Chief of Staff Interview 03/05/2019

**Purpose:**

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, “*Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.*” This WP applies to Assignment Guide Step **C.2.10** and documents an interview with (b) (6).

**Sources:**

1. Linked PDF documents the invitation for this meeting. [Link: C.2.10 - Meeting Invite Ryan Jackson 3.5.19.pdf](#)
2. Prior to this meeting the team developed the following list of questions to help guide this interview. [Link: C.2.10 - Ryan Jackson Interview Questions 030419\\_updated.docx](#)
3. The following people attended this meeting:

**Administrators Office**

Ryan Jackson, Chief of Staff

[Note: Scheduling for this meeting was done through Ryan’s scheduler, (b) (6)]

**OIG**

Pat Gilbride, Director, 303-312-6969

Alli Dutton, Project Manager, 215-814-2349

Kevin Christensen, AIGA, 202-566-1007

Todd Goldman, Auditor, 303-312-6189

Luke Stolz, Auditor, 303-312-6165

**Scope:**

This meeting was held via VTC on March 5, 2019 at 3:00 pm EST and lasted approximately 40 minutes. During this meeting we discussed if Ryan was involved in the proposed rulemaking or had additional information that would be useful for our review. (b) (6) thought that Ryan might have additional insight.

**Conclusion:**

- (b) (5) (Detail 2, 10, 12, 18, 20, 22, 24, 26 and 28)
- RJ said that Administrator Pruitt wanted all rulemaking to be done on an accelerated schedule. (Detail 4, 8 & 37)
- Said that it was his understanding (b) (5) (Detail 14 & 16)

**Details:**

Pat began with introductions and a brief summary of our project. He also briefed Ryan on the OIG. Ryan found the information very helpful and had no questions for us and Alli proceeded with the questions. (Questions are prefaced by a brief explanation to give perspective to the question.)

**Background**

Current OIG Understanding: (b) (5)

1. AD: As the EPA's Chief of Staff, describe your involvement and role in the Glider Repeal proposed rule during the summer and fall of 2017.
2. RJ said: He was aware of the issue. (b) (5)

Current OIG Understanding: Based on information we have reviewed and conversations with others, (b) (5)

3. AD: Did the former Administrator or someone else request that this proposed rule be issued on an accelerated time frame? Why?

4. RJ said: (b) (5)

(b) (5)

Current OIG Understanding: In our read of Executive Order 12866, the determination of significance of a rule is a shared responsibility between the issuing agency and OMB OIRA. Based on information we have reviewed and conversations with others, (b) (5)

. The proposed rule was listed as “economically significant” up until the day (November 8<sup>th</sup>) before it was signed by the former Administrator. It was switched to “significant” or “other significant” (b) (5)

11. AD: Why did this change in significance occur? What was the change based on?

12. RJ said: (b) (5) I was not involved in those negotiations. (b) (5)

13. AD: Was this an OMB OIRA determination or was anyone in EPA involved in this decision?

14. RJ: (b) (5)

15. AD: So, it was OMB that made this decision?

16. RJ: I do not know about this specific rule (b) (5)

17. AD: (b) (5)

Current OIG Understanding: Executive Order 12866 requires that an issuing agency perform cost/benefit analysis for actions classified as “other significant” or “economically significant” with the analysis for “economically significant” being more comprehensive including a review of reasonably feasible alternatives. Executive Order 13045 also requires analyses for rules that are considered “economically significant.” We were unable to locate such analyses in the docket.

19. AD: Why were no cost benefit analyses (either for significant or economically significant determinations) completed for this rule?

20. RJ said: I don’t know, but that is not something I would normally have a hand in.

21. AD: Was there a formal or informal agreement between EPA and OMB that these analyses would not be required for OMB’s review of this proposed rule? If so, who within EPA made this agreement? Why was this agreement made?

22. RJ said: NO, he was not aware of any.

23. AD: Would issuing the rule without the analysis provide the public and stakeholders with the information they need to make informed public comments on the rule?

24. RJ said: (b) (5)

Current OIG Understanding: After the public comment period ended for the proposed rule, it was determined that the EPA would go forward with submitting a draft final rule to OMB for review. However, prior to submitting the rule to OMB, on April 23, 2018, EPA was told by OMB that they would not review the final rule without a Regulatory Impact Analysis. Also, while the

proposed rule was listed as “other significant”, the draft final rule was again listed as “economically significant.”

25. AD: Why did OMB require a Regulatory Impact Analysis for the final rule when it didn’t require one for the proposed rule? What changed?

26. RJ said: No, I was not part of those negotiations or conversations with OMB.

27. AD: Why did the significance change to “economically significant” for the draft final rule? What changed?

28. RJ said: He really did not know. (b) (5)

Current OIG Understanding: We were informed that (b) (5)

29. AD: (b) (5)

30. RJ said: (b) (5)

31. PG: In terms of moving forward with the glider rule, how will that look?

32. RJ: I think (b) (5)


Current OIG Understanding: We have heard (b) (5)

(b) (5)



36. AD: How would you characterize the glider repeal rulemaking as compared to other Agency rulemakings in terms of the process followed?

37. (b) (5)



(b) (5)


Current OIG Understanding: In July 2018, EPA issued a Conditional No Action Assurance which was subsequently rescinded by Administrator Wheeler. As such, it is our understanding

(b) (5)



43. AD: Has EPA conducted any inspections and/or enforcement actions of glider manufacturers or assemblers?

44. RJ said that he personally did not have any specific knowledge of that. (b) (5)



We had no additional questions and Ryan had none for us. The meeting then adjourned.

Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	T.Goldman	10/22/19	
Peer reviewed or read			
PM reviewed			
PLD reviewed	PG	10/22/19	
Additional Edits			

**Title:** Interview with (b) (6)

**Purpose:** This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, *“Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.”* This WP applies to Assignment Guide step C.2.1

- 1) **Sources:** This meeting was held via teleconference on October 21, 2019 at 4:00pm EST and lasted approximately 45 minutes. The Microsoft Outlook invitation for this meeting can be seen in the linked PDF. [Link:](#) C.2.15 - OGC Meeting Invite 10.21.19.pdf

The following people attended this meeting:

**OIG**

Pat Gilbride, Director, 303-312-6969  
Todd Goldman, Auditor, 303-312-6189  
Gilbert Mears, OIG OC, 202-566-2277

**OGC**

(b) (6)

- 2) Prior to this meeting the OIG team developed a general list of questions contained in the linked Word document. We did not provide this list of questions to (b) (6) prior to the meeting. [Link:](#) C.2.15 - Questions for OGC 10.21.19\_(b) (6)(003).docx

**Scope:** We conducted this interview to clarify OGC’s role in EPA’s adherence with EOs 12866 and 13045. We planned to ask questions about the development of the proposed rule, how it is submitted to the docket and how OMB provides a review of the proposal and influences changes

in the final draft of the proposed rule. Notes from this discussion are captured in the Details section below.

**Conclusion:**

- (b) (5) [REDACTED] (Detail 11) [C1](#)
- (b) (5) [REDACTED] Detail 32) [C3](#)
- (b) (5) [REDACTED] It is not a judicially reviewable decision so we would defer to OP's and OMB's decision. (Detail 11) [C4](#) (b) (5) [REDACTED] [C6](#)
- OP and OMB were the decision makers for this rule. That included the designation of the rule and the decision not to require an RIA. (b) (5) [REDACTED] [C9](#)

Auditor Opinion: (b) (5) [REDACTED]

**Details:**

There were initial introductions, then Pat introduced our project and an overview of how our OIG process worked. (b) (6) did not have any questions prior to beginning with our questions.

Pat began with: (b) (5)

Pat continued with the first question.

1. Describe your current position and position held in Summer & Fall 2017.
2. (b) (6)  
(b) (5)
4. Pat offered to give him an update, but (b) (6) said if you don't need to it was ok with him that he did not know.
5. Pat stated: Based on our understanding, (b) (5)
6. Please provide a description of OGC's role in the following phases:
  - a. (b) (5)
7. (b) (6) Asked if we meant the last few days when it changed?
8. Pat responded: No go back into late spring early summer. What was OGC advice to senior leadership?
9. (b) (6) (b) (5)
10. Pat: (b) (5)
11. (b) (6) (b) (5)

(b) (5)

12. Pat asked:

13. When the rule was going through the drafting process, up to the day that it was signed, the rule was listed as economically significant, but there never was an analysis. Is that something that General Counsel would flag? The analysis not being included in the proposal?

14. (b) (6) (b) (5)

. That would be something for OP and OMB, as the keepers of the EOs for them to enforce and (b) (5)

15. Pat asked about the briefings. (See WP C.6.6 [Link: C.6.6 - PSSC Q6.docx](#))

16. What was your (OGC's) involvement?

17. (b) (6) (b) (5)

18. (b) (6) Added: (b) (5)

19. (b) (6) Asked if 12866 was a specific topic of the briefing?

20. Pat: Said this was just a general briefing. Like a kickoff for the rule making.

21. (b) (5)

22. (b) (5)

CCILO (Cross-Cutting Issues Law Office)?

23. (b) (6) (b) (5) CCILO advises OP and helps them draft the guidance that goes out to the Program Offices and the Program Offices then implement. (b) (5)

24. GM: (b) (5)

25. (b) (6) (b) (5)

(b) (5)

26. (b) (5)

(b) (5)

(b) (5)

(b) (5)

38. Pat read a portion of the ADP:

- a. The ADP says "The OGC attorney assigned to the workgroup provides legal and, where appropriate, policy advice to the workgroup and senior managers. The OGC attorney also ensures that decision makers are well informed about available regulatory options and associated legal issues." For the proposed glider repeal rule were you able to perform this function?

39. (b) (6) (b) (5)

We were able to provide them advice on the legal basis of the rule making.

40. GM: You referenced the lack of judicial reviewability of compliance with EOs. Do you think that factored in to the decision not to create an RIA or any analysis for significant rule?

41. (b) (6) (b) (5)

42. Pat asked about CCILO?

43. (b) (6) The advice on cross cutting issues that effect everyone.

44. Pat asked if they recalled if anyone from CCILO was involved.

45. (b) (6) (b) (5)

46. Pat asked if either of them were involved with meetings with the Administrator.

47. (b) (6) : No

48. Pat Asked if they were in meetings with OP?

49. (b) (6) : Yes, in meetings with (b) (6) . (b) (5) .

50. TG: (b) (5) ?

51. (b) (5) .

That was the last of the questions. (b) (6) were thanked for their time and participation and the meeting adjourned.



Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	Tgoldman	4/18/2017	
Peer reviewed or read			
PM reviewed	A. Dutton	4/22/19	(b) (5) [REDACTED] AJD 4/22/19 Comments Addressed by TG 4/22/19  Comments Cleared. AJD 4/24/19
PLD reviewed			
Additional Edits	TG	10/4/19	(b) (5) [REDACTED]
	AJD	10/7/19	Additions have been reviewed. WP is completed. AJD 10/7/19

**Title:** FOIA Emails: Document emails retrieved from Relativity (Agency FOIA Database)



**Purpose:**

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, *“Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.”*”

**Sources:**

This WP does not apply to any specific step in the Assignment Guide but documents the results of review of part of our email review. Specifically, it documents the random emails found in Relativity 8 **that were pertinent to our assignment**,  
<https://webreview.epa.gov/Relativity/Login.aspx?ReturnUrl=%2fRelativity%2fDefault.aspx>  
**ED\_001620 2018-002121- Gliders** Access was obtained for Glider Testing project.

(b) (5)



(b) (5)



**Scope:**

Emails were found by searching Relativity 8. We searched for information relevant to this project using the search functions in this application. Keyword (OMB, glider, Pruitt and others) were used.

**Conclusion:**

1. Relativity 8 /FOIA collection of emails provide a variety of information. (b) (5)

2. Emails on decisions on methodology (Details 2, 4, 5, 6, 15,22 and 25)

3. Emails on analysis and the need for analysis. (Details 11, 17 and 20)

4. According to the emails from EPA staff. (b) (5)
- 

(b) (5) [REDACTED] (Detail 26 C)

5. [Link:](#) (b) (5) [REDACTED]  
(Detail 26 B)

6. (b) (5) [REDACTED]  
(Detail 26 A)

7. [Link:](#) Glider Rulemaking FINAL Indexed.docxOGC's (b) (6) [REDACTED] provided edits to NPRM (Detail 28)

**Details:**

(b) (5) [REDACTED]

[REDACTED]

(b) (5)

[REDACTED]

(b) (5)



(b) (5)

[REDACTED]

[REDACTED]

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) [Redacted]

(b) (5) [Redacted]

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) [Redacted]



(b) (5)

[illegible]

\_\_\_\_\_

\_\_\_\_\_

**■** **THE FUTURE OF THE INDUSTRY.** The industry's future is bright, says the NPD Group's Lippman. "We're going to see more people buying cars," he predicts. "The market will grow."

424Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	Todd Goldman	05/03/2019	<a href="#">Comments Addressed by TG 5/15/2019</a>
Peer reviewed or read <a href="#">PM reviewed</a>	A. Dutton	5/13/19	Four comments. See below AJD 5/13/19  WP comments have been addressed. WP has been reviewed and is complete. AJD 5/28/19
<a href="#">PLD reviewed</a>			
Additional Edits			

**Title:** Email Review – Former Administrator Scott Pruitt’s e-mails

**Purpose:**

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, “*Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.*” This WP does not apply to any specific step in the Assignment Guide but documents the results of review of part of our email review. Specifically, it documents the results of the email review of former Administrator Scott Pruitt using key words. This WP applies to Assignment Guide step **C.6.8**

**Sources:**

1. Sources 1a, 1b and 2 from WP C.6 describe the process of obtaining the emails. [Link: C.6 - PSSC.docx, C.6 Source1.a Link: C.6 - Email chain on email request.pdf Source 1b Link: C.6 - Email chain with OC concurrence.pdf, C.6 Source 2 Link: C.6 - Email from OI to OEI.pdf](#)
2. Linked PDF shows the email communication (b) (5) [Link: C.6.8 - Scott Pruitt Email Methodology.pdf](#)

3. Linked PDF of e-mail breaking down the email files from former EPA Administrator, Scott Pruitt [Link: C.6.8 - Email from PM breaking down Pruitt emails.pdf](#)
  - a. Email pivot table [Link: C.6.8 - 5-1-19 SP Email pivot table.xlsx](#)
  - b. Calendar pivot table. [Link: C.6.8 - 5-1-19 SP Calendar pivot table.xlsx](#)

(b) (5)

### Scope:

After completing interviews and going through information for this review, the team determined that we still had questions that had not been fully answered. To hopefully help answer these questions we determined to request and review the email files. The potential size of the email file made it more practical to obtain and review former EPA Administrator, Scott Pruitt emails on a separate drive.

### Methodology:

The emails for Scott Pruitt were gathered on a separate thumb drive. Emails were provided to us in the email review software Axiom.

A quick description of how the Scott Pruitt email universe was narrowed down:

(b) (5)

There are 3 major parts to the SP methodology: We did a keyword search, then eliminate the emails coming from either

(b) (5)

added all emails from the following addresses

without text word limitations.

We did a keyword search of the following terms:

**Any email that contains the following key words:**

(b) (5)


(b) (5)



Within the records from the initial cut, we added all emails Pruitt sent to or received from a list of key people

Anything from the following email accounts:

(b) (5)



The third cut was to remove records from various NGOs. .See Source 2 for detailed negotiation of sample.

We searched for information relevant to this question using the search functions in this software. The review was broken down by key words or keyword groups. These Key words were selected to review Pruitt's involvement with the Glider Repeal Rule, Contact and agreements with OMB and Pruitt's tone from the top regarding the rulemaking process.

(b) (5) [REDACTED]

[REDACTED]

We received email data from OI in a thumb-drive. The data from the thumb-drive was uploaded in the Axiom software and searches were conducted using the terms listed above.

**Conclusion:**

(b) (5) [REDACTED]

There was nothing in my e-mail review that provided additional information to assist in answering our objectives. Added 5/15/19 by TG (Comment addressed. AJD 5/28/19)

(b) (5) [REDACTED]

**Details:**

(b) (5) [REDACTED]

(b) (5) [REDACTED]

(b) (5)

In general, nothing of note was found in the review of these terms.

(b) (5)

In general, nothing of note was found in the review of these terms.

(b) (5)

(b) (5)

In general, nothing of note was found in the review of these terms.

Analysis of Email numbers: From Sources 3a and 3b

Attached is the deduplicated pivot tables (one for emails and one for calendar entries).

(b) (5)

(b) (5)

(b) (5)

Response to Congressional Request on  
Glider Repeal Actions  
**IGEMS Assignment No. Project No. OA&E-FY19-0053**

Action	Team Member	Date Completed	Comments
Prepared by	L. Stolz	07/23/19 07/31/19	(b) (5) [REDACTED] 07/31/19
Peer reviewed or read			
PM reviewed	A. Dutton	7/23/19  7/31/19  8/7/19	WP has been reviewed and is complete. AJD 7/23/19  WP has been reviewed and is complete. AJD 7/31/19  Added Source 7
PLD reviewed			
Additional Edits			

**Title:** Issuance of Draft Report

**Purpose:**

This will aid in answering the overall objective question: “To determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking, *“Repeal of Emission Requirements for Glider Vehicles, Glider Engines and Glider Kits.”* This WP does not apply to a specific step in the Assignment Guide but documents that the draft report was cleared by OIG Quality Assurance and issued to the EPA.

**Sources:**

1. Linked PDF documents the July 22, 2019 email from Janet Kasper, Quality Assurance (QA) Director, to Alli Dutton, Project Manager, informing her that the draft report had cleared QA [Link: D.3 - 072219 email from JK.pdf](#).



2. Linked PDF documents the July 22, 2019 email from Alli to Patrick Gilbride, Director, in which she attached two versions of the draft report. One showed all of the changes made as a result of the QA process in blue highlight and the other version was clean. (b) (5) [Link:](#)  
[D.3 - 072219 email from AD to PG.pdf.](#)
  - a. Linked Word file is the marked up version of the draft report sent in Source 2 [Link:](#) [D.3 - Glider Rulemaking Draft 07-22-19.docx.](#)
3. Linked PDF documents another July 22, 2019 email from Alli to Patrick in which she attached a version of the draft report that had been edited by Gary Sternberg, OIG Editor, at Patrick's request [Link:](#) [D.3 - 072219 email from AD to PG 2.pdf.](#)
  - a. Linked Word file is the version of the draft report sent in Source 3 [Link:](#) [D.3 - Glider Rulemaking Draft 07-22-19\\_clean-rv reviewed.docx.](#)
4. Linked PDF documents the July 22, 2019 email Patrick sent to Brittany Bolen, Associate Administrator for the Office of Policy, and Anne Idsal, Acting Assistant Administrator for the Office of Air and Radiation, in which he sent the draft report to the agency [Link:](#) [D.3 - 072219 email from PG.pdf.](#)
  - a. Linked Word file is the version of the draft report sent in Source 4 [Link:](#) [D.3 - Glider Rulemaking Draft 07-22-19 to agency.docx.](#)
5. Linked PDF documents the July 18, 2019 email Alli sent to the Audit Follow-Up Coordinators for the Office of Air and Radiation and the Office of Policy, giving them a heads up that the draft report was forthcoming [Link:](#) [D.3 - 071819 email from AD.pdf.](#)
6. Linked PDF documents the July 31, 2019 email from Marc Vincent, OAR Audit Follow-Up Coordinator, to Kevin Christensen, Assistant Inspector General for Audit and Evaluation, requesting an additional week extension to respond to the draft report. The email chain also includes an email Patrick sent to Kevin saying that the team is OK with the extension [Link:](#) [D.3 - 073119 email extension request.pdf.](#) (See WP D.3.1 which documents the team's discussion with Agency regarding the recommendations [Link:](#) [D.3.1 - \(R2\) Meeting w/ Agency on Draft Report 7-30-19](#))
7. Linked PDF documents the August 2, 2019 from Ryan Jackson, Chief of Staff to Chuck Sheehan requesting 30 day comment period for Draft Report. On August 5, 2019 Chuck approved the extension to August 21, 2019. [Link:](#) [D.3 - 080519 email FW\\_Glider report.pdf](#)

### Scope:

This workpaper documents that the draft report, *EPA Failed to Develop Required Benefits and Cost Analyses and Assess Impacts on Children's Health for the Proposed Glider Repeal Rule*, Project No. OA&E-FY19-0053, was cleared by OIG Quality Assurance. It also documents that the draft report was issued to the EPA (Office of Policy and Office of Air and Radiation) on July 22, 2019. (See [Source 4a for the Draft Report transmitted](#)).

### Details/Conclusion:

The draft report cleared QA and was issued to the agency on July 22, 2019 ([See Source 4a for the Draft Report transmitted](#)).



Source 6 documents that the agency requested a week long extension to respond to the draft report. (Request was received 7/31/19)

Source 7 documents that Ryan Jackson requested 30 days with Draft Report on Friday, August 2, 2019. This request was conveyed to IG Chuck Sheehan. Chuck approved the request and the Agency's comments are due on August 21, 2019.